

APPENDIX 10

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 08-20374-CIV-JORDAN/TORRES

AMERICAN UNIVERSITY OF THE
CARIBBEAN, N.V., a Netherlands Antilles
company, ROBERT BERNAUER, a citizen of
Louisiana, JODIE GWIN, a citizen of Hawaii,
AMIT MISRA, a citizen of California, CALIN
NEAGOE, a citizen of Massachusetts and
VIKRAM SHAKER, a citizen of California,

Plaintiffs,

vs.

CARITAS HEALTHCARE, INC., f/k/a
CARITAS HEALTHCARE PLANNING,
INC., a New York corporation, WYCKOFF
HEIGHTS MEDICAL CENTER, a New York
corporation, and BROOKLYN QUEENS
HEALTHCARE, INC., a New York corporation,

Defendants.

DECLARATION OF DOMINICK J. GIO

DOMINICK J. GIO, upon penalty of perjury, deposes and says that:

1. My name is Dominick J. Gio. I was the President and Chief Executive Officer of Wyckoff Heights Medical Center, Brooklyn Queens Health Care, Inc. and Caritas Health Care Planning, Inc. until August 22, 2007. I am *sui juris* and make this declaration based upon my own personal knowledge.

2. I am submitting this declaration in order to respond to some of the assertions put forth by Plaintiffs in their Amended Complaint and Reply Memorandum.

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3. The original inquiry on the part of Wyckoff for the advancement of funds from AUC consisted of a personal visit I made to AUC's medical school on the Island of St. Maarten in or about July 2006. I visited AUC's St. Maarten campus at that time and discussed the possibility of AUC advancing funds with Yife Tien. My visit coincided with an annual "coordinating conference" that was being hosted by AUC at that time. In connection with that conference, student program administrators from AUC's network of affiliated hospitals were invited to the Island for purposes of maintaining relationships with those hospitals and for purposes of exchanging information regarding student clerkship development.

4. Following that initial inquiry in July 2006, the negotiations regarding the advancing of funds were primarily handled by Julius Romero.

5. I never met with any AUC representatives in Florida to discuss the arrangement that was ultimately memorialized in the Promissory Note Agreement between Caritas and AUC or for any other purpose.

FURTHER DECLARANT SAYETH NAUGHT.

Dated: March 3, 2008



Dominick J. Gio